

CHAPTER 111**FOSTER CARE PLACEMENTS AND PLANS — CHILD ABUSE INFORMATION —
DECATEGORIZATION PLANS**

S.F. 287

AN ACT relating to child welfare provisions involving voluntary foster care placements of children with mental retardation or other developmental disability, release of child abuse information, and annual group foster care and decategorization plans, and providing a contingent effective date.

Be It Enacted by the General Assembly of the State of Iowa:

**DIVISION I
VOLUNTARY FOSTER CARE PLACEMENTS**

Section 1. Section 232.175, Code 1999, is amended to read as follows:
232.175 PLACEMENT OVERSIGHT.

Placement oversight shall be provided pursuant to this division when the parent, guardian, or custodian of a child with mental retardation or other developmental disability requests placement of the child in foster family care for a period of more than thirty days. The oversight shall be provided through review of the placement every six months by the department's foster care review committees or by a local citizen foster care review board. Court oversight shall be provided prior to the initial placement and at periodic intervals which shall not exceed twelve months. It is the purpose and policy of this division to assure the existence of oversight safeguards as required by the federal Child Welfare Act of 1980, Pub. L. No. 96-272, as codified in 42 U.S.C. § 671(a)(16), 627(a)(2)(B), and 675(1),(5), while maintaining parental decision-making authority.

Sec. 2. Section 232.178, subsection 4, Code 1999, is amended to read as follows:

4. The petition shall describe the child's emotional, physical, or intellectual disability which requires care and treatment; the reasonable efforts to maintain the child in the child's home; the department's request to the family of a child with mental retardation, other developmental disability, or organic mental illness to determine if any services or support provided to the family will enable the family to continue to care for the child in the child's home; and the reason the child's parent, guardian, or custodian has requested a foster family care placement. The petition shall also describe the commitment of the parent, guardian, or custodian in fulfilling the responsibilities defined in the case permanency plan and how the placement will serve the child's best interests.

Sec. 3. Section 232.182, subsection 5, unnumbered paragraph 1, Code 1999, is amended to read as follows:

After the hearing is concluded, the court shall make and file written findings as to whether reasonable efforts, as defined in section 232.102, subsection 10, have been made and whether the voluntary foster family care placement is in the child's best interests. The court shall order foster family care placement in the child's best interests if the court finds that all of the following conditions exist:

Sec. 4. Section 232.182, subsection 7, Code 1999, is amended by striking the subsection.

Sec. 5. Section 234.6, subsection 6, paragraph f, Code 1999, is amended to read as follows:

f. Services or support provided to a child with mental retardation or other developmental disability or to the child's family, ~~either voluntarily by the department of human services or in accordance with a court order entered under section 222.31 or 232.182, subsection 5.~~

Sec. 6. DISPOSITIONAL REVIEW. Any order entered under section 232.182 or 232.183 for a group foster care placement which remains in effect on the effective date of this division shall remain in effect until the court has conducted a dispositional review hearing. The dispositional review hearing shall be held upon the request of the department of human services or upon the court's own motion. The review hearing shall be subject to the same procedural requirements as outlined in section 232.183 except that the dispositional orders that the court may enter shall be as provided in this section. The purpose of the review hearing is to determine whether the child's parent, guardian, or custodian has failed to fulfill responsibilities outlined in the case permanency plan and that the child should remain in a group foster care placement upon termination of the order. If the court finds the child's parent, guardian, or custodian has failed to fulfill responsibilities outlined in the case permanency plan and that the child should remain in the group foster care placement, the court shall enter an order that the child remain in the placement and that the county attorney or department file, within three days, a petition alleging the child to be a child in need of assistance. Otherwise, the order entered under section 232.182 or 232.183 shall expire at the close of the dispositional review hearing.

Sec. 7. EFFECTIVE DATE. This division of this Act takes effect on July 1, 1999, or upon the date of approval by the federal government of the waiver request submitted by the department of human services pursuant to 1998 Iowa Acts, chapter 1218, section 7, subsection 10, whichever is later. The department of human services shall notify the Code editor concerning receipt of the federal approval.

DIVISION II RELEASE OF CHILD ABUSE INFORMATION

Sec. 8. Section 235A.15, subsection 2, paragraph f, Code 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. To an individual who is requesting information on a specific case of child abuse which resulted in a child fatality or near fatality.

DIVISION III ANNUAL GROUP FOSTER CARE AND DECATEGORIZATION PLANS

Sec. 9. Section 232.143, subsection 2, Code 1999, is amended to read as follows:

2. For each of the department's regions, representatives appointed by the department and the juvenile court shall establish a plan for containing the expenditures for children placed in group foster care ordered by the court within the budget target allocated to that region pursuant to subsection 1. The plan shall include monthly targets and strategies for developing alternatives to group foster care placements in order to contain expenditures for child welfare services within the amount appropriated by the general assembly for that purpose. Each regional plan shall be established ~~in advance of the fiscal year to which the regional plan applies~~ within sixty days of the date by which the group foster care budget target for the region is determined. To the extent possible, the department and the juvenile court shall coordinate the planning required under this subsection with planning for services paid under section 232.141, subsection 4. The department's regional administrator shall communicate regularly, as specified in the regional plan, with the juvenile courts within that region concerning the current status of the regional plan's implementation.

Sec. 10. Section 232.188, subsection 4, Code 1999, is amended to read as follows:

4. In a decategorization agreement, the department and the county's or group of counties' decategorization governance board shall agree on all of the following items: the governance relationship between the department and the decategorization governance board; the respective areas of autonomy of the department and the board; the budgeting structure for

the decategorization; and a method for resolving disputes between the department and the board. The decategorization agreement shall require the department and the decategorization governance board to agree upon a budget ~~on or before June 15 of the fiscal year preceding the~~ within sixty days of the date by which the regional group foster care budget targets are determined under section 232.143 for the fiscal year to which the budget applies. The budget may later be modified to reflect new or changed circumstances.

Approved May 11, 1999

CHAPTER 112

SEX OFFENDER REGISTRATION — RISK ASSESSMENTS — DISSEMINATION OF INFORMATION

S.F. 294

AN ACT relating to lifetime registration for certain sex offenders, the performance of sex offender risk assessments, and the procedures for dissemination of registry information to agencies and the public.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 13.2, Code 1999, is amended by adding the following new subsection: **NEW SUBSECTION.** 3A. Prosecute and defend all actions and proceedings brought by or against any employee of a judicial district department of correctional services in the performance of an assessment of risk pursuant to chapter 692A.

Sec. 2. Section 692A.1, Code 1999, is amended by adding the following new subsection: **NEW SUBSECTION.** 1A. "Aggravated offense" means a conviction for any of the following offenses:

- a. Sexual abuse in the first degree in violation of section 709.2.
- b. Sexual abuse in the second degree in violation of section 709.3.
- c. Sexual abuse in the third degree in violation of section 709.4, subsection 1.
- d. Lascivious acts with a child in violation of section 709.8, subsection 1.
- e. Assault with intent to commit sexual abuse in violation of section 709.11.
- f. Burglary in the first degree in violation of section 713.3, subsection 1, paragraph "d".
- g. Kidnapping, if sexual abuse as defined in section 709.1 is committed during the offense.
- h. Murder, if sexual abuse as defined in section 709.1 is committed during the offense.

Sec. 3. Section 692A.1, subsection 9, Code 1999, is amended to read as follows:

9. "Sexually violent predator" means a person who has been convicted of an offense under the laws of this state or of another state which would qualify the person as a sexually violent predator under the federal Violent Crime Control and Law Enforcement Act of 1994, ~~Pub. L. No. 103-322, 108 Stat. 1798~~ 42 U.S.C. § 14071(a)(3)(B), (C), (D), and (E).

Sec. 4. Section 692A.2, subsection 1, unnumbered paragraph 1, Code 1999, is amended to read as follows:

A person who has been convicted of a criminal offense against a minor, an aggravated offense, sexual exploitation, an other relevant offense, or a sexually violent offense in this state or in another state, or in a federal, military, tribal, or foreign court, or a person required to register in another state under the state's sex offender registry, shall register as provided